

CAMPAIGN SPENDING COMMISSION

STATE OF HAWAII

In Re the Matter of)	CA 02-19
)	
PHILLIPS, BRANDT, REDDICK &)	
ASSOCIATES, HAWAII, INC., Wm.)	
Frank Brandt, Thomas S. Witten, Russell)	
Y.J. Chung and Stan R. Duncan,)	
)	
Respondents.)	
_____)	

CONCILIATION AGREEMENT

On or around October 2001, Robert Y. Watada, Executive Director for the Campaign Spending Commission ("Commission"), initiated an investigation of Respondents Phillips, Brandt, Reddick & Associates, Hawaii Inc. and Wm. Frank Brandt. ("PBR Hawaii"). The Business Registration Division records list the following persons as officers of PBR Hawaii:

Wm. Frank Brandt	President
Thomas s. Witten	Secretary and Vice Director
Russell Y.J. Chung	Vice Director
Stan R. Duncan	Vice Director

PBR Hawaii is a land planning and landscape architecture firm, whose business address is Pacific Tower, Suite 650, 1001 Bishop Street, Honolulu, Hawaii. The investigation was initiated pursuant to the express authority of section 11-193, Hawaii Revised Statutes ("HRS"), for a determination of whether the campaign spending law had been violated and a complaint would be submitted to the Commission.

NOW, THEREFORE, PBR Hawaii and the Commission, having entered into conciliation and pursuant to section 11-216(g), HRS, do hereby agree as follows:

- I. That the Commission has jurisdiction over Respondents and the subject matter of this administrative action.
- II. That this Conciliation Agreement ("Agreement") and upon complete performance of the conditions stated herein has the effect of remedial or corrective action taken by Respondents pursuant to section 11-216(g), HRS.
- III. That Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- IV. That Respondents waive the right to be heard at a public hearing conducted under chapter 91, HRS, pursuant to section 11-228(b), HRS.
- V. That Respondents enter into this Agreement with the Commission on their own volition and with full knowledge and understanding.
- VI. That parties agree to the pertinent facts as follows:
 1. On or around October 2001, Robert Y. Watada, in his capacity as Executive Director of the Campaign Spending Commission, and upon information received through the disclosure statements of the Friends of Ben Cayetano ("Cayetano") and the Harris 2000 campaign committee ("Harris"), initiated an investigation involving excess contributions in violation of section 11-204(a), HRS.
 2. That investigation covered the period from January 1, 1996 through June 30, 2001.
 3. Section 11-204(a)(1)(B), HRS, reads in part as follows: No person or any other entity shall make contributions to:...A candidate

seeking nomination or election to a four-year statewide office or to the candidate's committee in an aggregate amount greater than \$6,000 during an election period.

4. Section 11-204(a)(1)(C), HRS, reads in part as follows: No person or any other entity shall make contributions to:...A candidate seeking nomination or election to a four-year non-statewide office or to the candidate's committee in an aggregate amount greater than \$4,000 during an election period.
5. Section 11-204(h), HRS reads in part as follows: an individual and any corporation in which the individual owns a controlling interest, shall be treated as one person.
6. Section 11-202, HRS reads in part as follows: No person shall make a contribution of the person's own money or property, or money or property of another person to any candidate, party, or committee in connection with a nomination for election, or election, in any name other than the true name of the person who owns the money or who supplied the money or property.
7. The election period for Ben Cayetano and the Friends of Ben campaign committee for Governor of Hawaii include the period from January 1, 1995 to November 6, 1998.
8. On or about May 23, 1997, PBR Hawaii made a contribution to Cayetano in the amount of \$2,000.

9. On or about June 24, 1997, Russell Chung made a contribution to Cayetano in the amount of \$2,000.
10. On or about June 24, 1997, Stan Duncan made a contribution to Cayetano in the amount of \$2,000.
11. On or about June 27, 1997, Thomas Witten made a contribution to Cayetano in the amount of \$2,000.
12. On or about September 14, 1998, Russell Chung made a contribution to Cayetano in the amount of \$250.
13. On or about October 23, 1998, Russell Chung made a contribution to Cayetano in the amount of \$2,000.
14. On or about October 23, 1998, Stan Duncan made a contribution to Cayetano in the amount of \$2,000.
15. On or about October 23 1998, Thomas Witten made a contribution to Cayetano in the amount of \$3,500.
16. That aggregate contributions to Cayetano from PBR Hawaii and its officers for the election period total \$15,750, excess of \$9,750 over the contribution limit of \$6,000.
17. The election period for Jeremy Harris and the Harris 2000 campaign committee for Mayor of Honolulu include the period from November 6, 1996 to November 7, 2000.
18. On or about August 20, 1998, PBR Hawaii made a contribution to Harris in the amount of \$200.

19. On or about May 29, 1999, PBR Hawaii made a contribution to Harris in the amount of \$250.
20. On or about December 9, 1999, Thomas Witten made a contribution to Harris in the amount of \$1,000.
21. On or about December 15, 1999, PBR Hawaii made a contribution to Harris in the amount of \$3,000.
22. On or about August 10, 2000, PBR Hawaii made a contribution to Harris in the amount of \$500.
23. On or about September 13, 2000, Frank Brandt made a contribution to Harris in the amount of \$500.
24. On or about September 27, 2000, Russell Chung made a contribution to Harris in the amount of \$2,500.
25. On or about September 27, 2000, Stan Duncan made a contribution to Harris in the amount of \$2,500.
26. On or about September 27, 2000, Thomas Witten made a contribution to Harris in the amount of \$2,500.
27. That aggregate contributions to Harris from PBR Hawaii and its officers for the election period total \$12,950, excess of \$8,950 over the contribution limit of \$4,000.
28. PBR Hawaii acknowledges that an excess contribution of \$9,750 had been made to the Cayetano campaign committee in violation of section 11-204(a)(1)(B), HRS.

29. PBR Hawaii acknowledges that an excess contribution of \$8,950 had been made to the Harris campaign committee in violation of section 11-204(a)(1)(C), HRS.

VII. Settlement Terms

As final settlement of the matter and issues in Conciliation Agreement #02-19, PBR Hawaii understands and agrees to the following:

- (A) PBR Hawaii agrees to an assessment of **Three Thousand Five Hundred Dollars (\$3,500)** pursuant to section 11-228, HRS.
 - (1) For violation of section 11-204(a)(1)(B), HRS, making excess campaign contributions to the Cayetano campaign committee;
 - (2) For violation of section 11-204(a)(1)(C), HRS, making excess campaign contributions to the Harris campaign committee; and
 - (3) For violation of section 11-202, HRS.
- (B) PBR Hawaii agrees to comply with campaign finance statutes on contribution and expenditures to candidate committees.
- (C) Terms of payment of the assessment shall be by Order of the Commission.

VIII. The Commission upon its own motion or a written request of anyone filing a complaint under section 11-216, HRS, may review compliance with the

Agreement. If the Commission believes that the Agreement has been violated, it may institute administrative proceedings or a civil action in the Circuit Court of the First Circuit pursuant to section 11-228(c), HRS.

- IX. This Agreement shall become effective as of the date that all parties have signed and the Commission has approved the entire Agreement.
- X. This Agreement constitutes the entire agreement between the Commission and PBR Hawaii on the matters raised herein, and no other statement, promise, or agreement, either in writing or oral, not contained in this Agreement made by either party or by agents of either party shall be enforceable.
- XI. This Agreement, unless violated, shall be a complete bar to any further action by the Commission with respect to the violations at issue in this matter.

FOR THE COMMISSION:

Robert Y. Watada, Executive Director

By: _____

Date: _____

FOR THE RESPONDENTS:

Wm. Frank Brandt, President

By: _____

Date: _____

(Name)

(Title)

